

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

JOHN M. LEFLER, et al.,	)	
	)	8:07CV114
Plaintiffs,	)	
	)	
vs.	)	ORDER
	)	
JAMES L. BAUM,	)	
	)	
Defendant.	)	

This matter is before the court on the motion of Andrew D. Strotman and Keith Peters to withdraw as counsel for plaintiffs, John M. Lefler and John M. Lefler, P.C., L.L.O., (Filing No. 27). Mr. Strotman filed a declaration in support of the motion (Filing No. 27-2). Mr. Strotman states that the plaintiff, Mr. Lefler, an attorney licensed to practice law in the state of Nebraska and sole member of John M. Lefler, P.C., L.L.O, has decided to proceed *pro se* in this matter.

The court shall grant the motion with respect to Mr. Lefler's representation of himself. However, the Eighth Circuit has held that "the law does not allow a corporation to proceed *pro se*." ***Ackra Direct Mktg. Corp. v. Fingerhut Corp.***, 86 F.3d 852, 857 (8th Cir. 1996); **see also *United States v. Van Stelton***, 988 F.2d 70, 70 (8th Cir. 1993) (noting that a corporation may not appear *pro se*); ***Carr Enters., Inc. v. United States***, 698 F.2d 952, 953 (8th Cir. 1983) (noting "[i]t is settled law that a corporation may be represented only by licensed counsel"). In fact, according to the Eighth Circuit, a corporation is technically in default as of the date its counsel is permitted to withdraw from the case without substitute counsel appearing. ***Ackra Direct***, 86 F.3d at 857. Under the circumstances, the court concludes counsel shall not be given leave to withdraw as attorneys for John M. Lefler, P.C., L.L.O, until Mr. Lefler has entered an appearance as counsel for John M. Lefler, P.C., L.L.O, or as otherwise ordered by the court.

Accordingly,

**IT IS ORDERED:**

1. The motion of Andrew D. Strotman and Keith T. Peters to withdraw as counsel (Filing No. 27) is granted in part and held in abeyance in part until October 24, 2007.

2. Mr. John M. Lefler shall enter an appearance on behalf of John M. Lefler, P.C., L.L.O., **on or before October 24, 2007**. If Mr. Lefler, fails to enter an appearance by that date, the court may enter a default judgement, pursuant to Fed. R. Civ. P. 55.

3. Mr. Strotman and Mr. Peters shall serve a copy of his motion and this order on Mr. John Lefler and John M. Lefler, P.C., L.L.O., and file a certificate of service thereof.

DATED this 24th day of September, 2007.

BY THE COURT:

s/ Thomas D. Thalken  
United States Magistrate Judge